

IFW

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/665,793
	Filing Date	September 19, 2003
	First Named Inventor	Edward J. Kaplan
	Art Unit	1616
	Examiner Name	M. Hartley
Total Number of Pages in This Submission	Attorney Docket Number	KAP 100 CIP

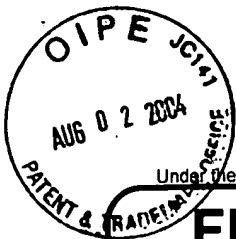
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	2 pages of PTO 1449; 15 references
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Patrea L. Pabst, Esq., Reg. No. 31,284 Pabst Patent Group LLP 400 Colony Square, Suite 1200, Atlanta, GA 30361
Signature	
Date	July 29, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Ronna Berman		
Signature		Date	July 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 0)

Complete if Known

Application Number	10/665,793
Filing Date	September 19, 2003
First Named Inventor	Edward J. Kaplan
Examiner Name	M. Hartley
Art Unit	1616
Attorney Docket No.	KAP 100 CIP

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

50-3129

Pabst Patent Group LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
26	-26* = 0	X	
3	-3** = 0	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051 130		2051 65		Surcharge - late filing fee or oath	
1052 50		2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130		1053 130		Non-English specification	
1812 2,520		1812 2,520		For filing a request for ex parte reexamination	
1804 920*		1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*		1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110		2251 55		Extension for reply within first month	
1252 420		2252 210		Extension for reply within second month	
1253 950		2253 475		Extension for reply within third month	
1254 1,480		2254 740		Extension for reply within fourth month	
1255 2,010		2255 1,005		Extension for reply within fifth month	
1401 330		2401 165		Notice of Appeal	
1402 330		2402 165		Filing a brief in support of an appeal	
1403 290		2403 145		Request for oral hearing	
1451 1,510		1451 1,510		Petition to institute a public use proceeding	
1452 110		2452 55		Petition to revive - unavoidable	
1453 1,330		2453 665		Petition to revive - unintentional	
1501 1,330		2501 665		Utility issue fee (or reissue)	
1502 480		2502 240		Design issue fee	
1503 640		2503 320		Plant issue fee	
1460 130		1460 130		Petitions to the Commissioner	
1807 50		1807 50		Processing fee under 37 CFR 1.17(q)	
1806 180		1806 180		Submission of Information Disclosure Stmt	
8021 40		8021 40		Recording each patent assignment per property (times number of properties)	
1809 770		2809 385		Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770		2810 385		For each additional invention to be examined (37 CFR 1.129(b))	
1801 770		2801 385		Request for Continued Examination (RCE)	
1802 900		1802 900		Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)

Patrea L. Pabst

Registration No.
(Attorney/Agent)

31,284

Telephone (404) 879-2151

Signature

Date

July 29, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward J. Kaplan

Serial No.: 10/665,793

Art Unit: 1616

Filed: September 19, 2003

Examiner: M. Hartley

For: *FLEXIBLE AND/OR ELASTIC BRACHYTHERAPY SEED OR STRAND*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §1.56 and 37 C.F.R. §1.97, Applicant submits a Supplemental Information Disclosure Statement, including 2 pages of Form PTO-1449, and copies of the 15 documents cited therein.

It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-3129.

U.S. Patents

<u>Number</u>	<u>Issue Date</u>	<u>Patentee</u>	<u>Class/Subclass</u>
4,379,138	04/05/1983	Pitt et al.	424/78
5,296,229	03/22/1994	Grandjean	424/444
5,916,998	06/29/1999	Ferrutti et al.	528/196
6,011,092	01/04/2000	Seppala et al.	524/47
6,228,969	05/08/2001	Lee et al.	528/80
6,290,982	09/18/2001	Seppala et al.	424/426

U.S. Patent Applications

<u>Number</u>	<u>Issue Date</u>	<u>Patentee</u>	<u>Class/Subclass</u>
2003/0132546	07/17/2003	Yamauchi et al.	264/241
2003/0139567	07/24/2003	Kim et al.	528/354

Foreign Documents

<u>Number</u>	<u>Publication Date</u>	<u>Patentee</u>	<u>Country</u>
WO 03/066705	08/14/2003	Polyganics B.V.	PCT

Publications

Ikeda et al. "Polyurethane elastomer with PEO-PTMO-PEO soft segment for sustained release of drugs." *Biomaterials* 11(8): 553-560 (1990).

Lee et al. "Elastic biodegradable poly(glycolide-co-caprolactone) scaffold for tissue engineering." *Journal of biomedical materials research* 66A(1): 29-37 (2003).

Pitt et al. "Sustained drug delivery systems II: factors affecting release rates from poly(caprolactone) and related biodegradable polyesters." *Journal of pharmaceutical sciences* 68(12): 1534-1538 (1979).

Saad et al. "Development of degradable polyesterurethanes for medical applications: in vitro and in vivo evaluations." *Journal of biomedical materials research* 36(1): 65-74 (1997).

Seung et al. "Synthesis and characterization of elastic PLGA/PCL/PLGA tri-block copolymers." *J Biomater Sci Polymer Edn* 13(10): 1163-1173 (2002).


U.S.S.N.: 10/665,793
Filed: September 19, 2003
SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

Wada et al. "In vitro evaluation of sustained drug release from biodegradable elastomer." *Pharmaceutical Research* 8(10): 1292-1296 (1991).

Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicant invites the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicant is of the opinion that his claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,

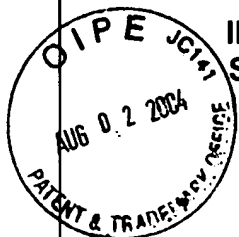


Patrea L. Pabst
Reg. No. 31,284

Dated: July 29, 2004

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(404) 879-2160 (Fax)

Substitute for form 1449A/PTO



(use as many sheets as necessary)

Sheet	1	of	2
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Application Number	10/665,793
Filing Date	September 19, 2003
First Named Inventor	Edward J. Kaplan
Group Art Unit	1616
Examiner Name	M. Hartley
Attorney Docket Number	KAP 100 CIP

[illegible][illegible]

OTHER ART -- NON PATENT LITERATURE DOCUMENTS

Examiner's Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

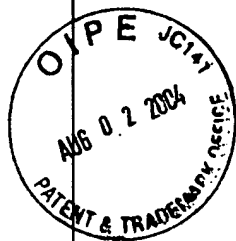
¹ Unique citation designation number ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number		10/665,793	
Filing Date		September 19, 2003	
First Named Inventor		Edward J. Kaplan	
Group Art Unit		1616	
Examiner Name		M. Hartley	
Attorney Docket Number		KAP 100 CIP	

Sheet	2	of	2
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Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Ikeda et al. "Polyurethane elastomer with PEO-PTMO-PEO soft segment for sustained release of drugs." <i>Biomaterials</i> 11(8): 553-560 (1990).	
		Lee et al. "Elastic biodegradable poly(glycolide-co-caprolactone) scaffold for tissue engineering." <i>Journal of biomedical materials research</i> 66A(1): 29-37 (2003).	
		Pitt et al. "Sustained drug delivery systems II: factors affecting release rates from poly(caprolactone) and related biodegradable polyesters." <i>Journal of pharmaceutical sciences</i> 68(12): 1534-1538 (1979).	
		Saad et al. "Development of degradable polyesterurethanes for medical applications: in vitro and in vivo evaluations." <i>Journal of biomedical materials research</i> 36(1): 65-74 (1997).	
		Seung et al. "Synthesis and characterization of elastic PLGA/PCL/PLGA tri-block copolymers." <i>J Biomater Sci Polymer Edn</i> 13(10): 1163-1173 (2002).	
		Wada et al. "In vitro evaluation of sustained drug release from biodegradable elastomer." <i>Pharmaceutical Research</i> 8(10): 1292-1296 (1991).	

Examiner's Signature		Date Considered	
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¹ Unique citation designation number ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant to place a check mark here if English language Translation is attached.

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